



MEMORANDUM

TO: Superintendents and Principals

FROM: Jeff Zaring, Indiana State Board of Education Administrator

DATE: March 20, 2009

SUBJECT: State Board of Education Waivers and Proposed Rule Changes Comments

At its meeting on February 4, 2009, the Indiana State Board of Education began the process of granting additional flexibility to schools to help increase the focus on student-centered learning. Some of the changes will take place immediately through blanket waivers. These waivers are granted under the Board's nonstandard program approval authority, which allows the Board to approve programs that differ from those authorized or required by the Board's rules in ways such as content, organization, methods, staffing, course title, instructional materials, or criteria for course or program completion.

It is important to note that some of the changes proposed by the Board will not be effective until rules are changed. We will notify interested persons of the public hearing schedule for the rule changes and invite testimony at that time.

The following summary of the Board's actions is provided to guide school administrators and school boards in reviewing and deciding whether local policy revisions are needed.

I. Immediate Waiver of Rules

The following waivers are immediately available to Indiana schools, with no need to submit an application or waiver request:

- A. Schools may waive the definition of "credit" to the extent that students must complete a course that includes a minimum amount of instruction. This allows schools to award credit based on demonstration of proficiency against the academic standards in a course that meets the following requirements:
- The course is an approved course listed in 511 IAC 6.1-5.1, and the course complies with the approved course description.
 - For those courses for which Indiana Academic Standards are defined, the course is consistent with the defined standards.
 - The Board's proposed rule provides that the required proficiency is at or greater than that required to pass the Core 40 end-of-course assessment for those courses for which there is a Core 40 end of course assessment with identified passing scores.
 - Grades and credits are awarded by a teacher appropriately licensed in the content area.

- B. Schools may utilize a Registered Nurse who does not hold a Bachelor of Science in Nursing degree to coordinate school health services.
- C. Educational Service Center employees are required to hold a license issued by the Department of Education only if they perform work that otherwise requires a license, like teaching a class.

The Board's rules always have required students to be proficient before receiving credit, but the credit definition prevented a school from awarding credit until the student had been enrolled for a semester. This change replaces seat time with proficiency.

Common Questions:

- *Do schools have the discretion of deciding how to award course credits?* Yes, as long as the course meets the requirements listed above.
- *May schools continue to use seat time for determining credit?* Yes. Schools may decide locally if they wish to keep the current definition of credit or use other means of determining "demonstration of proficiency."
- *Other than seat time, what other methods of determining course proficiency may be used?* Schools have the liberty of deciding how they will determine proficiency as defined by course standards for awarding credit. Alternative methods may include, but are not limited to, a standards-based course assessment, portfolio review, demonstration project, etc.
- *What is the role of the teacher if "alternative methods of awarding credits" are used?* Teachers who are appropriately licensed in their content area are still required for courses delivered in a traditional manner. These teachers would also be responsible for awarding grades and credits to students earning credits through alternative means or by demonstration of proficiency. For courses taught through computer-based software or through online or distance education, see the recommended guidelines at http://www.doe.in.gov/alted/pdf/memo_computer-based_courseware.pdf
- *How should these courses appear on the high school transcript?* No matter if seat time or demonstration of proficiency methods are used to determine credit, the course should appear on the transcript with grades and credits awarded for the state-approved course title in the same manner.
- *May a school award credit to a student who has not attended a course but has passed an assessment?* This is a local decision. The assessment should demonstrate that the student has met the required course content at a proficiency level at or greater than that required to pass the Core 40 end-of-course assessment (for those courses for which there is a Core 40 end of course assessment).
- *Can schools use the IDOE's "Classroom Assessments" to determine course proficiency?* The "Classroom Assessments" available to school testing coordinators on the Core 40 ECA website were not built as accountability tests and have not been reviewed for alignment to the current Academic Standards. No passing score has been established for these tests to ensure course content mastery. The "Classroom Assessments" may be used for instructional purposes, but in the absence of operational ECAs, schools are encouraged to devise their own assessments to determine proficiency.

- *If a student receives credits based on mastery of an assessment and not seat time, how are grades determined?* This is a local decision. To apply toward graduation requirements, both grades and credits for a high school course must be listed on the high school transcript.
- *Must a student attend a course for a determined length of time before students are awarded credit?* This decision rests with the school.

II. Proposed Rule Changes

The following rule changes have been proposed by the State Board of Education and will be the subject of rulemaking over the coming months:

A. Instructional Time and Curriculum

- Adopt the flexible Kindergarten, elementary, and middle school curriculum rules previously proposed by the Board.
 - New language, guiding the curriculum for all grade levels, would replace existing language.
 - Current recommended time allocations for subject areas would be deleted.
- Maintain the Indiana State Approved Course Titles and Descriptions but delete the course list from state rule.
 - State approved course titles and descriptions and Indiana Academic Standards would remain, but by removing the requirement that the list of course titles also be in state rule the State Board of Education would have more flexibility when making changes.
- Provide flexibility to adapt the high school physical education requirement for students who demonstrate proficiency through other means.
 - Schools would be allowed to use multiple means of determining proficiency for students completing the required Physical Education I and II courses.
 - The Indiana Academic Standards for Physical Education would still be required (see more at http://www.doe.in.gov/publications/pdf_courses/2008-09-15-HealthPE.pdf) but schools would have more flexibility in adapting the PE curriculum.
- Repeal the requirement for a student to attend high school for seven semesters.
 - The state rule requiring students to attend school for “at least seven semesters in grades 9 through 12” would be deleted.
 - Students could graduate when they had met minimum course and credit requirements and met the GQE requirement.

B. ISTEP – Make the following changes to the ISTEP+ rule:

- Update the language in the ISTEP+ rule to correspond with new spring testing.
- Add language about the new alternate assessment based on modified achievement standards.
- Repeal obsolete definitions related to the Graduation Qualifying Examination (GQE).
- Phase out, as required by statute, the provision that allows a student to graduate without passing the GQE by successfully completing Core 40 waiver.
 - The Core 40 waiver is one of three GQE waivers.
 - Current law requires that the Core 40 waiver expire with the graduating class of 2010.
 - This change aligns the rule with the law.
- Repeal obsolete definition of Grade 10 related to the GQE.

- Current definitions of who should take the GQE are unnecessary as the state moves from a 10th grade GQE assessment to Core 40 end-of-course assessments that are not limited to one grade level.
- C. GED – Current rule requires that a GED applicant whose scores are determined to be incomplete must wait at least 30 days before retesting. The proposed change would eliminate this waiting period before a GED applicant could retest.
- D. Student to School Staff Ratios
- Student to Staff Ratios – Repeals the building average student to teacher ratio.
 - Current rule stipulates that the average student to teacher ratio in the school not exceed 30 to 1.
 - Student Services – Repeals the recommended ratio of students to counselors, school social workers, school nurses, and school psychologists.
 - Administrators – Repeals required ratios of principals and administrative staff to numbers of students.

Common Questions:

- *Will a student be able to graduate whenever they wish?* Under the proposed rule change, a student would be able to graduate when the local school determined the student had met the course and credit requirements and GQE requirement for graduation. The state's requirement of a minimum number of semesters of high school attendance for graduation would be removed.
- *Will a student be able to earn required PE credits for participation in a sport or marching band?* Schools will be able to award PE credit(s) based on demonstration of proficiency against the Academic Standards for Physical Education through student participation in a variety of experiences, including those outside of the classroom. Decisions on what "counts" and does not count are made locally.
- *What if participation in sports is used for awarding PE credits and a student is "cut" from the team or becomes ineligible?* These decisions, including those concerning awarding grades, are made locally.
- *Shouldn't PE experiences be broader than just participation in one sport?* The Indiana Academic Standards for Physical Education stress a planned, sequential, and comprehensive physical education curriculum which provide students with opportunities to actively participate in at least four of the following: team sports; dual sport activities; individual physical activities; outdoor pursuits; self-defense and martial arts; aquatics; gymnastics; and dance, all which are within the framework of lifetime physical activities and fitness.
- *Can schools cut kids off teams if they are taking the sport for PE credit?* Schools may set a local policy but could wait to enroll the student in PE until they had made the team. Schools that allow students to take advantage of this opportunity must ensure that other avenues, including the traditional physical education program, are available to students who may not make the team. Note that using experiences in sports and other extracurricular activities to demonstrate that a student has met the Academic Standards for Physical Education is acceptable but different than having students take a sport for credit.
- *Will schools be expected to order extra uniforms, etc. if cuts cannot be made?* See above.
- *If participation in one sport (i.e. cross country or golf) does not meet all the PE standards, can credit be given?* Students must meet the physical education standards in order for credit to

be awarded by a teacher licensed in physical education. It could operate by the physical educator designing the program and having it facilitated by the coach. The facilitator (coach) would then recommend the student for credit by providing documentation to the physical educator who might also want to assess the student.

- *Is golf season (5 weeks) equal to basketball season (4 months) in terms of credit awarded?*

Since credit would be granted based on mastery of the physical education standards, the length of the season should not be an issue. Likewise, if the student needed time beyond the regular season, the physical education teacher or facilitator (coach) could continue to work with the student until the standards were met.

If a student is injured on the sport and can't participate is credit still given? As in a traditional Physical Education class, if the student is injured and is not able to participate, it is still possible for the physical education teacher to work with the facilitator (coach) to develop an adapted program that would allow the student to complete the standards within their physical limitations.

- *Does the student have to letter to get credit?* Credit is related to a student meeting the physical education standards and not to 'lettering' in a sport unless those criteria are part of the program for meeting the standards.

Although these changes require rulemaking, flexibility may be available immediately. Schools are encouraged to review the Board's December 14, 2007, [Open Letter to Indiana Educators](#) and its [Network Model School Flexibility Policy](#). Please contact Judy Jenkins at 317- 232-9141 or jjenkins@doe.in.gov if you have questions.